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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Belgium

Addendum

Information received from Belgium concerning follow-up to the concluding observations*

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Note: This document has been circulated in English, French and Spanish only.

* This document has not been formally edited.

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1. Following its consideration of the report submitted by Belgium in accordance with article 18, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on 28 October 2014, at its 1257th and 1258th meetings, the Committee on the Elimination of Discrimination against Women adopted its concluding observations (CEDAW/C/BEL/CO/7).

2. The Committee requested the Belgian Government to provide, within two years, information on the steps taken to implement the recommendations contained in paragraphs 21 (b) and (c) and 25 (a) of those observations.

3. Belgium wishes first to inform the Committee of the following developments directly linked to those priority recommendations addressed to Belgium.

4. A new national action plan to combat gender-based violence (PAN 2015-2019) was adopted by the relevant Belgian authorities in December 2015. It was designed in response to real needs on the ground. It includes a priority segment on sexual violence. It comprises 235 specific measures and focuses on the following types of violence: partner violence, female genital mutilation, forced marriages, so-called honour-related violence and sexual violence.

5. It reflects the provisions of the Council of Europe Convention on preventing violence against women and domestic violence, ratified by Belgium on 14 March 2016.

6. A new action plan to combat human trafficking (2015-2019) was adopted on 15 July 2015. Under the plan, more will be done to raise awareness and provide information about assistance to and protection of minors in cooperation with the federal bodies. There will be more mainstreaming of gender in policies to combat human trafficking.

7. With regard to recommendation 21 (b) concerning the number and capacity of State-run shelters for women who are victims of violence, Belgium wishes to bring the following facts to the attention of the Committee.

8. In Belgium, the federal bodies are responsible for these matters.

9. In the Walloon Region, 15 shelters (including 3 at a secret location) have been approved since 2009 as specialized shelters for women victims of conjugal violence. In 2014 and 2015, these 15 shelters had 678 authorized spaces and 580 subsidized spaces. In 2016, the number of authorized spaces had increased to 680 and the number of subsidized spaces had increased to 585. Starting on 1 January 2017, additional shelters will be accredited as specializing in assisting female victims of conjugal violence and additional spaces will be subsidized.

10. These shelters are open to all women without discrimination. While foreign women who are in Belgium illegally cannot be accepted in shelters because of their status, they are covered by a protection clause allowing them to retain their right of residence before any decision is taken to terminate that right (see below: response to recommendation 21 (c)).

11. In the Flemish Community, the general social aid centres (*Centra voor Algemeen Welzijnswerk — CAW*) are responsible for providing residential accommodation for women who are in serious danger (shelters). There has been no increase in the capacity of the women's shelters since 2014. Greater emphasis is

now placed on prevention and non-residential assistance and residential-type assistance is no longer being developed. The approach has shifted from specialized care in shelters to a non-residential care, at the earliest possible opportunity, tailored to the victim's needs and suited to the context.

12. In providing assistance, centres always follow the principle that it must be of the kind best suited to the needs of the victim. They consider that care in a shelter is needed only for victims and their children who are in serious danger and must be sheltered at a secret location. In the past, the centres found that victims and their children sometimes stayed in a shelter when in fact they needed to be provided with a different type of accommodation and care very quickly. These victims are now informed about other possibilities available through a different approach from that of the centres (for example, women's reception centres). This leaves room in the shelters for the victims most at risk. The centres also found that most victims needed a safe location only for a short time. Yet, for various reasons, they often stayed longer in the shelter.

13. Shelters have been transformed from residential accommodations at secret locations to residential accommodations at safe locations. There is a slight difference between the two types of residential accommodation. For example, at a shelter for men and women or for women only, the safety of a woman and her children may also be ensured by social monitoring and prevention of automatic access by anybody to such shelters. Depending on the risk evaluation, a secret location may or may not be chosen and sometimes, in exceptional cases, accommodation further away may be provided. In general, the goal is to create a fresh context providing safety and shelter, in which victims can recover.

14. Figures provided by the sector also show that, in the period 2009-2011, the shelters were usually not full. In 2012, the situation was quite different, with a high shelter occupancy rate, because of the temporary closing of one shelter and the temporary halt in admissions to another shelter. The sector estimated that the number of spaces available in 2014 was reasonable, provided there is optimal management of arrivals (study of demand in order to find the type of assistance best suited to the needs of the victim, existence of a different type of residential accommodation) and departures (referral to private housing or to another type of residential accommodation). As soon as someone is supported or accommodated in a shelter, that person's departure must be organized as speedily as possible. Victims are told that spaces must be freed up for women who really need them.

15. With regard to access for all women, including undocumented migrant women: The shelters are open to all women (and their children) who need shelter at a secret location because they are in serious danger, and to migrant women. The figures show that, in 2010, 18.2 per cent of victims in shelters had no permanent residence permit. In 2011, the figure was 17.9 per cent.

16. A daily fee is required to stay in a shelter. There is no charge for support but there is one for accommodation. People who do not have enough money to pay can apply to a public social action centre (CPAS) to help them pay their fee. The CPAS may, on the grounds provided by law, refuse to pay on the basis of the person's residence status. Reasons must be given for such refusal, however, and the decision may be appealed before a court, without such appeal having a suspensive effect. If a woman is unable to pay the daily fee and the CPAS refuses to help and if appeal

proceedings are under way, the woman cannot be admitted to a shelter. However, out of concern for such women, some centres take a very pragmatic approach to this type of situation, depending on demand and specific needs. If there is space and if the situation so requires, the centres pay for the accommodation from their own budgets and the product of their fund-raising efforts. Some refer the women to other initiatives of a charitable nature.

17. As regards recommendation 21 (c) concerning amendments to the Aliens Act to grant temporary residence to migrant women who are victims of domestic violence and who are undocumented or are awaiting their residence permits on the basis of family reunification, Belgium wishes to draw the following facts to the attention of the Committee.

18. Belgium has not amended its Act of 15 December 1980.[1]

19. It should be noted, however, that the practice of the Office for Aliens with regard to the specific situation of migrant women who are victims of conjugal violence has been reconsidered. The Office takes into account the information provided by the victim asking to benefit from protection clause, thus retaining her right of residence, before deciding whether to terminate her residence.

20. In addition, depending on the person's specific situation, certain procedures provided in the Act of 15 December 1980 may be applied:

- The victim may, depending on her situation, request asylum under article 49/3 of the Act of 15 December 1980. When this request is considered, the state of vulnerability, and thus the potential for conjugal violence, is to be taken into consideration when this issue is raised by the applicant or emerges from the consideration of the asylum request, depending on the facts invoked.
- In addition, under article 9 *bis* of the Act of 15 December 1980, a residence permit may be requested in exceptional circumstances.

21. Lastly, a circular is being drafted on retention of a right of residence obtained in the context of a family reunification for victims of conjugal violence. This draft is part of the national action plan to combat gender-based violence (PAN 2015-2019).

22. The circular is designed to strengthen the rights of women migrants who are victims of conjugal violence by providing them with information on existing protection arrangements. It will inform the various services (police, shelters, etc.) about the rights of migrant women who are victims of conjugal violence and about the procedures to be followed and the formalities to be completed.

23. With regard to recommendation 25, concerning the granting of temporary residence permits to women and girls who are victims of trafficking but are unable or unwilling to cooperate with judicial authorities and to file a complaint, Belgium wishes to draw the following facts to the attention of the Committee.

[1] The Act of 15 December 1980 on the admission of aliens into the territory, residence, settlement and removal.

24. Belgium believes that cooperation with judicial authorities is necessary in order to protect the victims of trafficking and take effective action against traffickers.

25. It should be noted, however, that the national action plan to combat human trafficking (2015-2019) provides for a new temporary document to be issued during the period of reflection for victims of human trafficking. Previously, that document was an order to leave the territory within 45 days. However, the name of that document allowing victims a 45-day period of reflection was ambivalent. During the 45-day period, the victim has an opportunity to recover, to escape from the influence of the alleged perpetrators and to decide whether or not to cooperate with the competent authorities. In order to guarantee the safety of the victim, no reference to the procedure concerning human trafficking is contained in the new document which will be issued after the adoption by Parliament of the draft legislation amending article 61/2, paragraph 2, of the Act of 15 December 1980 and of its royal order of implementation. This draft legislation was adopted unanimously on 26 October 2016 by the Parliamentary Internal Affairs Committee. The Committee's report has been issued.

26. The specialized reception centre also informs the victim of her rights.

27. Lastly, it should be emphasized that under the Belgian system a victim of trafficking is not required to testify in order to benefit from the protection measures provided. A simple statement is sufficient. In addition, Belgium is one of the few States that grant permanent residence to victims of trafficking, provided that the prosecution has included this offence in its indictment.